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PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Docket No: Q55591

Jun-jin KONG, et al.

Appln. No.: 09/386,965

Group Art Unit: 2731

Confirmation No.: NOT YET ASSIGNED

Examiner: NOT YET ASSIGNED

Filed: August 31, 1999

For: METHOD AND APPARATUS FOR DETERMINING RATE OF DATA
TRANSMITTED AT VARIABLE RATES

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Technology Center 2600

STATEMENT UNDER 37 C.F.R. § 1.97(e)

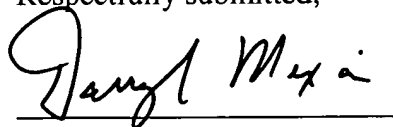
Commissioner for Patents
Washington, D.C. 20231

Sir:

The undersigned hereby states, upon information and belief:

That each item of information contained in the Information Disclosure Statement filed concurrently herewith was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of said Information Disclosure Statement.

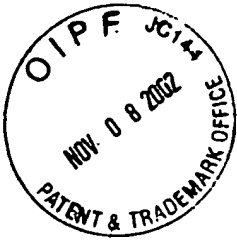
Respectfully submitted,



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Date: November 8, 2002



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**INFORMATION DISCLOSURE STATEMENT
UNDER 37 C.F.R. §§ 1.97 and 1.98**

Commissioner for Patents
Washington, D.C. 20231

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Sir:

In accordance with the duty of disclosure under 37 C.F.R. § 1.56, Applicants hereby notify the U.S. Patent and Trademark Office of the documents which are listed on the attached PTO/SB/08 A & B (modified) form and/or listed herein and which the Examiner may deem material to patentability of the claims of the above-identified application.

One copy of each of the listed documents is submitted herewith.

The present Information Disclosure Statement is being filed: (1) No later than three months from the application's filing date for an application other than a continued prosecution application (CPA) under §1.53(d); (2) Before the mailing date of the first Office Action on the merits (whichever is later); or (3) Before the mailing date of the first Office Action after filing a request for continued examination (RCE) under §1.114, and therefore, no Statement under

INFORMATION DISCLOSURE STATEMENT
U.S. Appln. No.: 09/386,965
ATTORNEY DOCKET NO. Q55591

37 C.F.R. § 1.97(e) or fee under 37 C.F.R. § 1.17(p) is required. Nevertheless, since a Statement can be made, a Statement is submitted herewith.

In compliance with the concise explanation requirement under 37 C.F.R. § 1.98(a)(3) for foreign language documents, Applicants submit the following explanations:

The submission of the attached English language abstracts along with Japanese Patent Nos. 8-130535 and 7-38620 constitute concise statements of relevance of the respective references. Additionally, JP No. 10-507333 corresponds with WO/97/05717, previously submitted in an Information Disclosure Statement filed on May 23, 2000.

The submission of the listed documents is not intended as an admission that any such document constitutes prior art against the claims of the present application. Applicants do not waive any right to take any action that would be appropriate to antedate or otherwise remove any listed document as a competent reference against the claims of the present application.

Respectfully submitted,



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